IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.22313 of 2006

Dated: October 30, 2006

Between:

C.A. Prabhakar Rao, S/o. late Sankaran Nair, aged 54 years, Occ: Assistant Marketing Officer, A.P., State Handloom Weavers Cooperative Society Ltd., 3-5-770, Narayanaguda, Hyderabad-500 029.

... Petitioner

And

The A. P. State Handloom Weavers Cooperative Society Ltd., rep. by its Managing Director, Narayanaguda, Hyderabad, and others.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the Final Seniority List dated 18-04-2006 and the proceedings dated 29-05-2006, issued by the first respondent as illegal and arbitrary.

2. Heard learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents.

3. The petitioner is working as Assistant Marketing Officer in Andhra Pradesh State Handloom Weavers Cooperative Society Ltd., a society registered under A.P. Co-operative Societies Act, 1964. The first respondent, the Vice-chairman and Managing Director of the Society issued proceedings dated 27-07-1998, approving the recommendations of the Departmental Promotion Committee to the post of Assistant Marketing Officer. In the said proceedings, the petitioner figures at Sl.No.14 and respondents 3 and 4 figure at Sl.Nos.16 and 17 respectively in the order of seniority. Pursuant to the recommendation made by the Departmental Promotion Committee and approval of the Vice-chairman and Managing Director, petitioner was promoted to the post of Assistant Marketing Officer by proceedings dated 07-08-1998. Consequently, a seniority list of candidates was prepared in the category of Assistant Marketing Officers after promotions were given effect to the petitioner as well as respondents 3 and 4. In the said seniority list, the name of the petitioner figures at Sl.No.13, while the names of respondents 3 and 4 figure at Sl.Nos.11 and 12 respectively. Basing on the said seniority list, third respondent was promoted to the post of Marketing Officer.

4. The grievance of the petitioner is that though in the proceedings dated 27-07-1998, he is shown as senior to respondents 3 and 4; even without serving provisional seniority list in the category of Assistant Marketing Officers, final seniority list was prepared, in which he is shown as junior to respondents 3 and 4, basing on which, third respondent was promoted to the post of Marketing Officer.

5. It is stated that challenging the final seniority list dated 18-04-2006 and the proceedings dated 29-05-2006, petitioner has filed an appeal dated 17-07-2006 to the second respondent, who is the

appellate authority, but no orders have been passed yet.

6. As much as the appeal filed by the petitioner is pending consideration before the Chairman, Appellate Committee of the Society, without going into the merits of the case, I deem it appropriate to dispose of the Writ Petition directing the second respondent, Chairman, to consider the appeal of the petitioner dated 17-07-2006 and pass appropriate orders within a period of two months from the date of receipt of this order.

7. Subject to the above directions, the Writ Petition is disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 30, 2006
MRR